

RSIS Commentary is a platform to provide timely and, where appropriate, policy-relevant commentary and analysis of topical and contemporary issues. The authors' views are their own and do not represent the official position of the S. Rajaratnam School of International Studies, NTU. These commentaries may be reproduced with prior permission from RSIS and due recognition to the author(s) and RSIS. Please email to Mr Yang Razali Kassim, Editor RSIS Commentary at RSISPublications@ntu.edu.sg.

ASEAN, Myanmar and the Rakhine Crisis: Two Years On

By S. Nanthini

SYNOPSIS

In 2017 Myanmar established the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine State (UEHRD) to facilitate peacebuilding. Two years on, peace remains elusive. What are the limits and possibilities of what ASEAN Member States can do?

COMMENTARY

ON 18 OCTOBER 2019, Myanmar celebrated the second anniversary of the formation of the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine State (UEHRD), an institution to facilitate peacebuilding in the Myanmar state that has attracted much global attention. The event in Nay Pyi Daw was attended by representatives of the Myanmar government, military, local civil society, as well as organisations like ASEAN.

Speaking in her role as Chairperson of the UEHRD, Aung San Suu Kyi emphasised self-reliance in resolving challenges in Rakhine State. Her statement came even as Myanmar responds to international pressure, especially on the fate of the Rohingya. Suu Kyi understands well her need for ASEAN as an organisational buffer to help manage the international pressure to build peace in Rakhine State. But the space for ASEAN to manoeuvre in the situation is limited, and subject to Myanmar's willingness to cooperate.

What is UEHRD?

The UEHRD was formed by the Myanmar government in October 2017 under Suu Kyi's leadership. It is a public-private entity to provide humanitarian assistance, resettlement, development and raise funds and awareness for Rakhine. Its

establishment is partly a response to the mounting international pressure on the Myanmar government after the August 2017 crackdown on the Rohingya.

Since its creation, most government-led activities in Rakhine State have been carried out through the organisation, helped in part by the presence of Dr Win Myat Aye, who is both co-vice chairman as well as Union Minister for Social Welfare, Relief and Resettlement.

Mooted by many in government to be applied to other conflicts in the country, this model supports peacebuilding in the state by combining economic development led by the private sector with humanitarian relief efforts led by the government.

ASEAN's Role as Buffer

Amid widespread acknowledgment that the Rakhine issue is fast becoming protracted, a regional response through ASEAN mechanisms appears a possible way forward. Notwithstanding the spill-over effects into neighbouring states, the situation in Rakhine State is still considered a domestic affair.

While ASEAN's founding principle of non-intervention may inhibit overt action, ASEAN Member States have nonetheless made it clear that the regional grouping "support[s] a more visible and enhanced role of ASEAN to support Myanmar in providing humanitarian assistance, facilitating the repatriation process and promoting sustainable development".

This was stated in the Joint Communiqué issued after the 2019 ASEAN's Foreign Ministers' Meeting, implying that ASEAN will be more pro-active in assisting to resolve the Rakhine crisis.

Some ASEAN Member States have been rather flexible in engaging Myanmar, while others have been vocal, such as the open criticism by Malaysia and others against Myanmar since the exodus of the Rohingya began in 2015. Moreover, the scale and nature of the current conflict in Rakhine State has meant that the broader international community continues to pressure the Myanmar government to take further action.

Not only have individual countries such as the United States and Canada re-imposed sanctions on Myanmar; the UN Human Rights Council has also created the Independent International Fact-Finding Mission on Myanmar (IIFMM), even filing a case against Myanmar at the International Court of Justice for violating the 1948 Genocide Convention. The IIFMM has been succeeded by the International Investigative Mechanism for Myanmar (IIMM).

ASEAN and the UEHRD

There are signs that Myanmar is being increasingly responsive to regional and international opinion. Instead of being dismissive of discussion at the regional level as happened in the previous waves of violence in Northern Rakhine state, Myanmar is now responding to international pressure through humanitarian assistance diplomacy.

The Myanmar government called an informal ASEAN Foreign Ministers' Meeting in Yangon in December 2016, where ASEAN negotiated humanitarian access to Rakhine State that continues till this day.

With Dr Win Myat Aye as Myanmar's representative as the 2019 Chair of the ASEAN Committee on Disaster Management (ACDM), ASEAN has been increasingly engaged in the Rakhine peacebuilding process. Governed by the ACDM, ASEAN's AHA Centre acts as the regional grouping's humanitarian coordination centre on disaster management. AHA is the Coordinating Centre for Humanitarian Assistance on Disaster Management.

The AHA Centre has the mandate to identify areas of cooperation between ASEAN and Myanmar to work towards the repatriation and resettlement of the Rohingya refugees. In March 2019, the UEHRD and AHA Centre jointly coordinated a visit that led to an agreement between ASEAN and Myanmar to build state capacity to support the repatriation process. A technical working group was also to be established.

This group comprised representatives of the ASEAN Secretariat, the AHA Centre, the UEHRD and other relevant Myanmar officials and experts who will work to implement recommendations from the ASEAN-ERAT Preliminary Needs Assessment for Repatriation in Rakhine State, Myanmar. ERAT is the Emergency Response and Assessment Team.

Prospects: Manage or Resolve?

This assessment was leaked to the public domain. Many discredited the report for not addressing the atrocities, root causes or engaging those displaced by the violence outside Rakhine. As the ASEAN-ERAT assessment was mandated and overseen by member states, it operated within a very narrow scope. ASEAN's current actions manage the symptoms of the crisis, as seen in its efforts to work with the UEHRD to assess the refugee repatriation process, rather than resolve the crisis.

Without ASEAN consensus on a comprehensive strategy on the Rakhine crisis, the regional grouping's focus remains reliant on humanitarian response through the AHA Centre. There is broad acknowledgement in the region that any long-term resolution to this crisis remains dependent on Myanmar's internal politics.

With the Myanmar national election set for next year, it seems likely that the current ASEAN approach will continue at least until after the election. Progress within ASEAN on peacebuilding and conflict resolution issues remains limited.

While humanitarian activities are important, even this work remains restricted. This further underlines the limitations of what Myanmar's neighbours can do under current conditions. One way in which ASEAN Member States could seek to move forward would be to put more effort and resources into other ASEAN mechanisms such as those in its Political-Security Community.

These mechanisms include the Treaty of Amity and Cooperation (TAC) which has provisions for conflict management and capacity-building. Another is the ASEAN Institute for Peace and Reconciliation (AIPR) which was created to support ASEAN

bodies in reconciliation activities. This could allow ASEAN Member States to start identifying pathways which could be activated should enough political will emerge.

S. Nanthini is a Research Analyst with the Humanitarian Assistance and Disaster Relief (HADR) Programme, Centre for Non-Traditional Security Studies (NTS Centre) at the S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University (NTU), Singapore.

Nanyang Technological University

Block S4, Level B3, 50 Nanyang Avenue, Singapore 639798
Tel: +65 6790 6982 | Fax: +65 6794 0617 | www.rsis.edu.sg